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HAND DELIVERED:

Hon. Peter K. Leisure

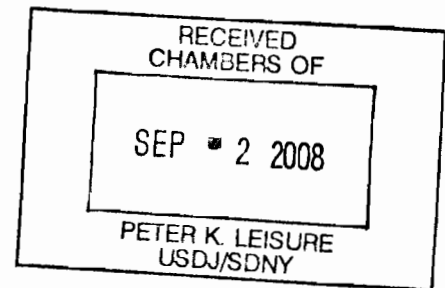
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August 28, 2008

Re: Ehrenfeld v USA & NYC
Docket # 07 CV 8559 (PKL)



Dear Judge Leisure:

I am writing on behalf of plaintiff with the consent of both defense attorneys.

We conducted the deposition of the Veterans Administration witness on August 26, 2008. This witness testified to building inspection documents that exist from 1999 and 2002 which are apparently stored at Veterans Administration Headquarters in Washington. He also testified to two people (Jerry Barrocca and Eugene Kotlyar) who have knowledge of inspections of building and grounds and projects undertaken to make repairs (including the sidewalk on which plaintiff fell) and of his predecessor (Tommy Mui) who would have knowledge of the sidewalk condition at the time plaintiff fell, but who no longer works at the Veterans Administration.

Additional discovery is needed to locate these documents, to find Tommy Mui, and to do additional depositions of these individuals.

The parties respectfully request that the discovery deadline be extended to October 31, 2008 to allow this discovery to take place. The parties also request that the pending motions also be held in abeyance until October 31, 2008 at which time a briefing schedule can be entered for opposition and reply to the pending motion.

Thank you for your assistance.

Very truly yours,

Gene L. Chertock, Esq. (GLC 7053)

GLC:md
File # 15797

9/03/08

USDJ

Pg 2

Ehrenfeld vs USA & NYC Docket #07CV8559 (PKL)

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